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<u>REMARKS</u>

Independent claim 1 is pending in the application and has been amended. No new matter has been added by way of this amendment. Favorable reconsideration of the action mailed on December 1, 2006 is respectfully requested in view of the foregoing amendments and the following comments of the Applicants, which are preceded by related comments of the Examiner in small bold type:

Claim Rejections - 35 USC § 103

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (6,694,316 hereinafter Langseth).

Amended independent claim 1 is directed to a computer-controlled method for managing and distributing sets of offer data. The method includes preparing sets of offer data that characterize a plurality of offers. Each set of offer data is associated with a targeted individual and one of a plurality of channels for presenting sets of offer data to the targeted individual. The plurality of channels includes direct channels and indirect channels.

The method also includes selecting from the sets of offer data a number of sets of offer data for presenting to the individuals associated with those sets of offer data. For at least some individuals, the method includes selecting from multiple sets of offer data associated with each of those individuals. The selection is based on a rule-based engine executing offer data processing rules to determine which sets of offer data can be sent to each of those individuals. The data processing rules include an internal set of pre-defined rules governing overall operation of the rule-based engine. The offer data processing rules are selected from the group consisting of prioritization rules, selection rules, and time-based rules. Selecting from the sets of offer data also includes allocating capacity of the plurality of channels to the selected offers.

The method also includes presenting the selected sets of offer data to the associated individuals over the associated ones of the plurality of channels.

Responding to the Office Action reply filed September 20, 2006, the Examiner states that Langseth describes a personalized intelligence network (PIN) that identifies offers to be provided

to subscribers based upon subscriber information, type of service or channel, time of day and time of year. In this regard, from the bottom of page 3 to the top of page 4, the Office Action reads:

> **Langseth teaches a computer controlled method for managing offers (abstract). Preparing data characterizing a plurality of offers, each offer being associated with a targeted individual and one of a plurality of channels for presenting offers data to the target individual (Figure 2A); selecting from the plurality of offers a number of offers for presenting to the individuals associated with those offers, including for at least some individuals, selecting from multiple offers associated with each of those individuals (col. 8, lines 31-53); presenting the selected offers to the associated individuals over the associated ones of the plurality of channels (col. 8, lines 31 to col. 9, lines 18-26); the selection being based on a rule-based engine executing offer data processing rules to determine which sets of offer data can be sent to each of those individuals, the data processing rules including an internal set of pre-defined rules being selected from the group consisting of prioritization rules, selection rules, and time-based rules. Langseth teaches that the affiliate's system may selectively choose the subject matter of content to be delivered to their subscribers and that selection may be based on the business of the affiliates. For example, a golf web site may only desire to enable its subscribers to access a sports channel. The affiliates send the content of the offer to a personalized intelligence network (PIN) and the PIN determines which offers to output to the subscribers based on certain criteria of the customer (Figure 19, 916). The PIN governs the presentation of the advertisements provided to the subscribers based on subscriber information, the type of service or channel being run, the time of day, the time of year, and the like (see Figure 19 and col. 3, lines 41-45 and col. 27, lines 45-64).**

However, Langseth is not understood to disclose or suggest selecting from sets of offer data, in which the selecting includes allocating capacity of a plurality of channels to the selected offers, as required by amended independent claim 1. In regards to allocating channel capacity, for example, the subject application reads with reference to FIG. 6:

> Offer broker 610 handles allocation of channel capacity among offers to different customers. An example of a limited capacity channel is a call center that has a particular capacity to make outbound telephone calls, for example 100 calls per hour. Offer broker 610 limits the number of offers it sends to that channel based on that limit. Email servers similarly have limits on the number of offers that they can send, or limits on the number of emails that can be sent to a particular classes of customers (such as customers using a particular online service). Channels may have capacity limits that are based on cost. For example, the system may be configure to only allow a particular number of direct mailings based on the cost of those mailings. Indirect channels may also have capacity limits that are managed by offer broker 610. For instance, each agent 144, such as a personal financial planner or an insurance agent, may have a limit on the number of offers that they can handle each day. Indirect channels that make use of automated systems may present limits to offer broker 610 based on their internal configuration. For instance, a lead management system can assemble the limits of its individual users for offer broker 610. Offer broker 610 may also send offers to particular users of a lead management system, and limit the number and type of offers sent to those users based on the configuration of the lead management

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system, thereby achieving a tight integration of the offer management system and the lead management system. (page 14, line 29 to page 15, line 10).

In contrast, Langseth describes personalizing selected advertisements based upon service or channel type and other criteria such as time of day and time of year. In this regard, the portion of Langseth cited by the Examiner reads:

> In step 928, affiliate advertisements may be included in the service outputs. Affiliate advertisements may be advertisements about the affiliate or advertisements sold by the affiliate to a third party entity. For example, a newspaper may be an affiliate to enable its subscribers to subscribe to a news channel on the PIN. The newspaper may either run an advertisement in a service output for that newspaper or may sell a spot to a third party, such as a restaurant, hotel, etc. In either event, the affiliate may select an advertisement and supply the advertisements to the PIN to be included in service output. The advertisement selected may also be personalized based on predetermined criteria including the subscriber information, the type of service or channel being run, the time of day, the time of year, and the like. After step 928, then the PIN executes step 930 and step 934.

Thus, Langseth describes using channel type (along with other criteria) to personalize selected advertisements and is not understood to disclose or suggest selecting from sets of offer data such that the selecting includes allocating capacity of a plurality of channels to the selected offers.

Accordingly, Applicants respectfully assert that the teachings of Langseth fail to disclose each and every element of the Applicants' invention as claimed in amended independent claim 1.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

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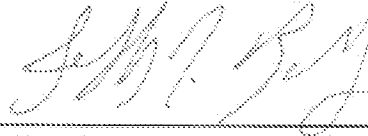Page : 6 of 6

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Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-368-2191.

The required amount of $225 for the Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 10235-048001.

Respectfully submitted,

Date: April 3, 2007

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